

1653  
PATENT  
ATTY. DOCKET NO.: CIT1530-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David A. Tirrell Art Unit: 1653  
Application No.: 10/015,956 Examiner: Agnes Rooke  
Filed: December 10, 2001  
Title: FUSION PROTEIN MICROARRAYS AND METHODS OF USE

**Mail Stop Sequence**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Sir:

In connection with the response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed April 8, 2005, Applicant provides herewith a computer readable and a paper copy of the Sequence Listing in accordance with 37 C.F.R. §§ 1.821 – 1.825 *et seq.*

Transmitted herewith for the above-identified application please find:

1. Petition for Extension of Time One (1) Month (2 pgs.);
2. Check No.: 578045 in the Amount of \$60.00;
3. Statement Under 37 C.F.R. §§ 1.821(f) and (g) (1 pg.);
4. Verified Statement Under 37 C.F.R. § 1.821(f) (1 pg.);
5. Amendment in Response to Notice to Comply with Sequence Listing Requirements Under 37 C.F.R. §§ 1.821-1.825 (5 pgs.);
6. Sequence Listing (3 pgs.);
7. Copy of Notice to Comply with Nucleic Acid/Amino Acid Sequence Rules (4 pgs.);

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on June 8, 2005, in an envelope addressed to: Mail Stop Sequence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Mikhail Y. Puchkov

In re Application of:  
David A. Tirrell  
Application No.: 10/015,956  
Filed: December 10, 2001  
Page 2

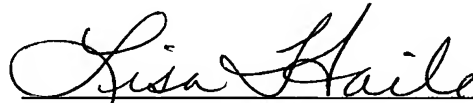
PATENT  
ATTY. DOCKET NO.: CIT1530-1

8. Sequence Listing in computer readable form (3.5" disk); and
9. Return Postcard

Enclosed is Check No.: 578045 in the amount of \$60.00 to cover the fee for the One (1) month Extension of Time. The Commissioner is authorized to charge any other required fees associated with the filings submitted herewith, or credit any overpayment to Deposit Account No. 07-1896. A duplicate copy of this Transmittal letter is enclosed.

Respectfully submitted,

Date: June 8, 2005



Lisa A. Haile, J.D., Ph.D.  
Reg. No. 38,347  
Telephone: (858) 677-1456  
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DLA PIPER RUDNICK GRAY CARY US LLP  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133

**Customer Number: 28213**



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,956	12/10/2001	David A. Tirrell	CITI530-1	2956

7590 04/08/2005

Lisa A. Haile, J.D., Ph.D.  
GRAY CARY WARE & FREIDENRICH LLP  
Suite 1100  
4365 Executive Drive  
San Diego, CA 92121-2133

EXAMINER

ROOKE, AGNES BEATA

ART UNIT PAPER NUMBER

1653

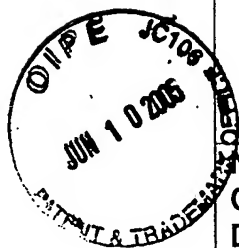
DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PATENT DOCKETING

APR 12 2005

DLA PIPER



## Notice to Comply

Application No.

10/015,956

Applicant(s)

David A. Tirrell

Examiner

Agnes Rooke

Art Unit

1653

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set in the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Amino acid sequence, e.g., Ac-Nle-cyclo(-Asp-His-Phe-Arg-Trp-Lys)-OH is cited at page 8, line 2 and page 13, line 9, however; the sequence identifier "SEQ ID NO." is not provided and not included in the Sequence Listing.

#### Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-2510

For CRF Submission Help, call (571) 272-2501/2583.

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO./ CONTROL NO. 10/015456	FILING DATE	FIRST NAMED INVENTOR/ <i>David A. Tirrell</i> PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. CIT 1530-1
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EXAMINER <i>Agnes Rooke</i>
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ART UNIT <i>1653</i>	PAPER
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20050322

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR §§ 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR §§ 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio  
(<http://www.uspto.gov/ebc/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)
2. Mailed to:  
Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 22313-1450  
Alexandria, VA 22313-1450  
Arlington, Virginia 22202
3. Mailed by Federal Express, United Parcel Service or other delivery service to:  
U. S. Patent and Trademark Office  
Box Sequence, Room 1B03-Mailroom  
Crystal Plaza Two  
220 20th Street S.
4. Hand Carried directly to the Customer Window at:  
U. S. Patent and Trademark Office  
Box Sequence, Customer Window, Lobby, Room 1B03  
Crystal Plaza Two  
220 20th Street S.  
Arlington, Virginia 22202

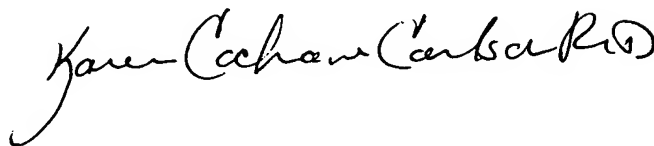
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Agnes Rooke whose telephone number is (571) 272-2055. The examiner can be reached by phone.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber can be reached on (571) 272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Any questions regarding compliance with the sequence rules requirements specifically should be directed to the departments listed at the bottom of the Notice To Comply.

Any inquiry of a general nature or relating to the status of this application, or requests to supply missing elements from Office communications, should be directed to the Group receptionist whose telephone number is (571) 272-1600.



KAREN COCHRANE CARLSON, PH.D.  
PRIMARY EXAMINER